

REMARKS/ARGUMENTS

Claims 1, 2, 6, 7, and 9-22 remain in this application. Claims 3-5 and 8 are canceled, without prejudice.

Amendments: Lack of New Matter

Applicant submits that the forgoing claim amendments do not introduce new matter into the present application. Embodiments without crosslinker are disclosed in the present specification on p. 8, lines 29-30. The term "crosslinker" is defined in the present specification on p. 8, lines 30-32.

Response to rejection of claims 1, 2, 6, 7, and 9-14 over Hirsch

In the above-identified Office Action the Examiner rejected claims 1, 2, 6, 7, and 9-14 under 35 USC §102(b) as being anticipated by Hirsch, et. al (EP 0 653 469).

Applicants refer to CA 2,133,696, which is the English language equivalent of EP 0 653 469. A copy of CA 2,133,696 is included herewith, for the Examiner's reference.

Hirsch discloses polymers that have, among other monomers, both of
(a) acetoacetoxyethyl (meth)acrylate (i.e., acetoacetoxyethyl acrylate or acetoacetoxyethyl methacrylate)
and

(b) glycidyl (meth)acrylate (i.e., glycidyl acrylate or glycidyl methacrylate)

The requirement in Hirsch's invention for both monomers (a) and (b) is made clear in Hirsch's abstract and in his Summary of the Invention (p. 3, lines 3-10). Hirsch teaches that his dispersion contains at least 0.5 weight of component (a) (p. 3, line 28) and at least 1.0 weight of component (b) (p. 4, line 3). Clearly, in Hirsch's teachings, both glycidyl (meth)acrylate and acetoacetoxy (meth)acrylate are required. Applicant submits that Hirsch does not teach or suggest polymer compositions that lack either glycidyl (meth)acrylate or acetoacetoxy (meth)acrylate.

In contrast, present independent claim 1 contains the clause

wherein each said carboxyl-reactive monomer in said acrylic polymer composition is selected from the group consisting of glycidyl acrylate, glycidyl methacrylate, and mixtures thereof

Any polymer that contains a carboxyl-reactive monomer other than glycidyl (meth)acrylate is outside the scope of present claim 1. Therefore, the polymers of Hirsch, because they contain acetoacetoxy (meth)acrylate, are outside the scope of present claim 1.

Similarly, present independent claim 10 recites polymer compositions in which the carboxyl-reactive monomers are limited to acetoacetoxy (meth)acrylate. Therefore, the polymers of Hirsch, because they contain glycidyl (meth)acrylate, are outside the scope of present claim 10.

In sum, the polymer compositions of Hirsch are outside the scope of present independent claims 1 and 10, and therefore Applicant submits that Hirsch does not anticipate present independent claims 1 and 10.

Applicants further submit, that Hirsch does not anticipate present dependent claims 2, 6-7, and 9-14, for the same reasons stated above regarding the present independent claims 1 and 10.

Response to rejection of claims 15-22 over Overbeek

In the above-identified Office Action the Examiner rejected claims 1, 2, 6, 7, and 9-14 under 35 USC §102(b) as being anticipated by Overbeek (US 5,962,571).

Overbeek discloses a process for the production of a polymer composition (col. 1, lines 40-42). Overbeek's process includes step "b)," which is "an aqueous emulsion polymerization process" (col. 1, line 58). Overbeek describes step "c)" as follows (col. 2, lines 1-5):

combining the aqueous emulsion from b) with a crosslinking agent by addition of the crosslinking agent after the polymerization of step b) and/or performing the polymerization in the presence of the crosslinking agent,

*said crosslinking agent being reactable with the crosslinker
functional groups of the oligomer and (if present) of the
hydrophobic polymer on subsequent drying . . .*

This passage of Overbeek's teaching makes it clear that Overbeek's crosslinking agent is a separate compound from the polymer itself. Further, Overbeek teaches that the crosslinking agent is "reactable" with the polymer "on subsequent drying," so the crosslinking agent remains a separate compound until drying, regardless of when the crosslinking agent is added to Overbeek's composition. Therefore, Overbeek's crosslinking agent meets the definition of "crosslinker" set forth in the present specification.

Currently amended independent claims 15 and 19 recite polymer compositions that do not contain crosslinker. Consequently, the compositions recited in currently amended independent claims 15 and 19 are distinct compositions from those taught by Overbeek. Therefore, Applicant submits that currently amended claims 15 and 19 are not anticipated by Overbeek.

Applicants further submit that Overbeek does not anticipate present dependent claims 16-18 and 20-22, for the same reasons stated above regarding currently amended independent claims 15 and 19.

Response to rejection of claims 1, 2, 6, 7, and 9 over Araki

In the above-identified Office Action the Examiner rejected claims 1, 2, 6, 7, and 9-14 under 35 USC §102(b) as being anticipated by Araki (US 4,144,155).

Araki discloses his invention thus (col. 6, lines 12-17):

*Since the aqueous polymer emulsion can form a film the
water-resistance, solvent-resistance, chemical-resistance,
and mechanical property of which are significantly
improved, it is available for use as a coating, adhesive,
fibrous treating agent and the like.*

Araki teaches that the polymer emulsion of his invention, by itself, "has excellent film-forming properties, dispersal-stability and fluidity" (col. 5, lines 45-47). Araki further teaches (col. 5, lines 48-53):

When a crosslinking agent is added to the aqueous polymer emulsion of this invention, the crosslinking reaction between the polymer particles constituting said emulsion significantly increases and a film is produced, the water-resistance, chemical-resistance, solvent-resistance and toughness of which is highly improved.

Araki teaches that the properties that make his invention useful (for example, as an adhesive) are the properties of water-resistance, chemical-resistance, etc. Araki further teaches that these properties only are obtained when a crosslinking agent is added to the polymer emulsion. Thus, Applicant submits that, according to Araki's teaching, a polymer emulsion without added crosslinker would not be useful as an adhesive.

In contrast, currently amended claim 1 recites an adhesive compositions that does not contain crosslinker. Consequently, the adhesive compositions recited in currently amended independent claim 1 are distinct compositions from those taught by Araki. Therefore, Applicant submits that currently amended claim 1 is not anticipated by Araki.

Applicants further submit that Araki does not anticipate present dependent claims 2, 6, 7, and 9, for the same reasons stated above regarding currently amended independent claim 1.

Conclusion

Applicants submit that the foregoing amendments place the present application in better form for allowance and/or appeal, and Applicants respectfully requests the Examiner to enter the foregoing amendments.

In view of the foregoing amendments and arguments, Applicant respectfully requests the Examiner to reexamine the claimed subject matter, to withdraw the rejections of the claimed subject matter and to allow claims 1, 2, 6, 7, and 9-22 at this time. If, however, there remain any open issues which the Examiner believes can be

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resolved by a telephone call, the Examiner is cordially invited to contact the undersigned agent.

No fees are believed to be due in connection with the submission of this amendment; however, if any such fees, including petition or extension fees, are due, the Commissioner is hereby authorized to charge them, as well as to credit any overpayments, to Deposit Account No. 18-1850.

Respectfully Submitted,



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